IN RE: PETITION FOR ZONING VARIANCE S/S Turkey Point Road, 15' E of the c/l of Frederick Avenue (2115 Turkey Point Road) 15th Election District 5th Councilmanic District

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

* * * * * * * * * * *

* Case No. 89-143-A Melvin Leroy Carter, et ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side street setback of 2 feet in lieu of the required 25 feet for a proposed addition as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Carter, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2115 Turkey Point Road, zoned D.R. 5.5, has been the residence of Petitioners for the past 15 years. Petitioners propose expanding the existing kitchen and dining rooms, which are too small. Due to the location of the basement stair well, and septic system, the proposed addition must be placed in the proposed location necessitating the requested variance. Testimony indicated the side for which the variance is being requested abuts a paper road and will be no closer to the property line than the existing house.

The subject property is located within the Chesapeake Bay Critical Areas and is classified as a limited development area. Petitioner has reviewed the requirements set forth in the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated September 1, 1988 and indicated they will comply if the requested variance

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3/3 day of October, 1988 that the Petition for Zoning Variance to permit a side street setback of 2 feet in lieu of the required 25 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Edgar Grove - Carter Property

Petition for Zoning Variance Item #43

Subject property is located at 2115 Turkey Point Road and Frederick Avenue. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant is proposing a single family addition of approximately 480 square feet to permit a side street setback of two feet in lieu of the required 25 feet. With the addition, the total amount of impervious surface will equal 12%.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

- 1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. <COMAR 14.15.10(0)(1)(2)(3)>

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following requirements:

- 1. One major deciduous tree or two conifers planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.
- 2. Storm water runoff from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

Mr. J. Robert Haines September 1, 1988 Page 2

> 3. Rooftop runoff should be directed through down-spouts and into a dry well of approved design to encourage maximimum infiltration (see attached dry well design).

Upon compliance with the above recommendations, this project will be approved. Please contact Mr. David C. Flowers at 494-3980 if you have any questions.

RWS:DCF:tjg Attachment

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

October 31, 1988

Mr. & Mrs. Melvin Leroy Carter 2115 Turkey Point Road Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE S/S Turkey Point Road, 15' E of the c/l of Frederick Avenue

(2115 Turkey Point Road) 15th Election District - 5th Councilmanic District Melvin Leroy Carter, et ux - Petitioners Case No. 89-143-A

Dear Mr. & Mrs. Carter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

A MNcotorovin ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Dennis F. Rasmusser

AMN:bjs

cc: People's Counsel Dave Flowers

Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4, Annapolis, Md. 21404 comments dated September 1, 1988, attached hereto and made a part hereof. In MN asterowin ANN M. NASTAROWICZ

condition; and,

1) The Petitioner may apply for his building permit

and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at

this time is at his own risk until such time as the

30-day appellate process from this Order has expired.

If, for whatever reason, this Order is reversed, the

Petitioner would be required to return, and be respon-

sible for returning, said property to its original

completely with all requirements and recommendations of the Department of

Environmental Protection and Resource Management, as set forth in their

IT IS FURTHER ORDERED that the Petitioner shall comply fully and

Deputy Zoning Commissioner

for Baltimore County

AMN:bjs

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02-3 C-1 to permit a side street setback of 2 feet in lieu of the required 25 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) House was constructed over 30 years ago in this location. Owner wishes to construct an addition now to extend the existing deficient setback. Frederick Avenue is a paper street and adjacent land is wooded. Location of septic area and basement stairs limit placement of the addition. Also, location of existing kitchen and

dining area limit placement of the addition. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that lawe are the legal owner(s) of the product.

	which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
	Melvin Leroy Carter
(Type or Print Name)	(Type or Print Name)
Signature	Signature J.
Address	Susan Marie Carter (Type or Print Name)
	Susar M. Carter.
City and State	Signature
Attorney for Petitioner:	
	2115 Turkey Point Road 391
(Type or Print Name)	Address Phone N
	Ealtimone No 21221

Baltimore, MD ZIZZI City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 34th County, on the 21st day of October, 1988, at 9 o'clock

let W. Sheesle Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

Beginning on the South Side of Turkey Point Road 30 feet wide, at the distance of 15 feet east of the centerline of Frederick Avenue (unimproved). Being Lot 13 in the subdivision of Edgar Grove. Book No. 8, Folio 29. Also known as 2115 Turkey Point Road in the 15th Election District.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ______, 1988 · ______, 1988 ·

Petitioner welvin L. Carter, et ux

Received by:

Chairman, Zoning Plans

Advisory Committee

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Notert Haines

Zoning Commissioner

September 13, 1988

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

> Petition for Zoning Variance CASE NUMBER: 89-143-A S/S Turkey Point Road, 15' E c/l Frederick Avenue (2115 Turkey Point Road) 15th Election District - 5th Councilmanic Petitioner(s): Melvin Leroy Carter, et ux HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 9:00 a.m.

Variance to permit a side street setback of 2 feet in lieu of the required 25 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Balsimore County

cc: Mr. & Mrs. Carter

File Chesapeake Bay Critical Area Commission

NOTICE OF HEARING The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Avanue in Towson, Maryland as follows: Petition for Zoning Variance Case Number: 89-143-Anna 8/8 Turkey Point Road, 18' E c/1 Frederick Avenue (2115 Turkey Point Road) 15th Election District — 5th Coun-Petitioner(s): Melvin Leroy Carter, et HEARING SCHEDULED: FRIDAY. OCTOBER 21. 1968 AT 9:00 A.M. Variance to permit a side street setback of 2 feet in lieu of the required 25 In the event that this Petition is granted, a building permit may be is-sued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or pre-

sented at the hearing.

A Robert Hole

The Times

Middle River, Md., This is to Certify, That the annexed 20317

was inserted in Oct Times, a newspaper printed and published in Baltimore County, once in each That

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting 10/5/88 Melvin Lorge Contage tox . 3/5 Textry PT. Rd., 157 E / Frednick Ars Location of Signes Fecing Turksy PX Rd , sprove 15' Fr. Youdway.

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

September 7, 1988 Paul H. Reincke

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Melvin Leroy Carter, et ux Dennis F. Rasmussen
Location: S/S Turkey Point Road, 15° E. of c/l of Frederick Road County Executive Zoning Agenda: Meeting of 8/23/88

Gentlemen:

Item No.: 43

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protec-tion Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: All Leal Kelly 9.758

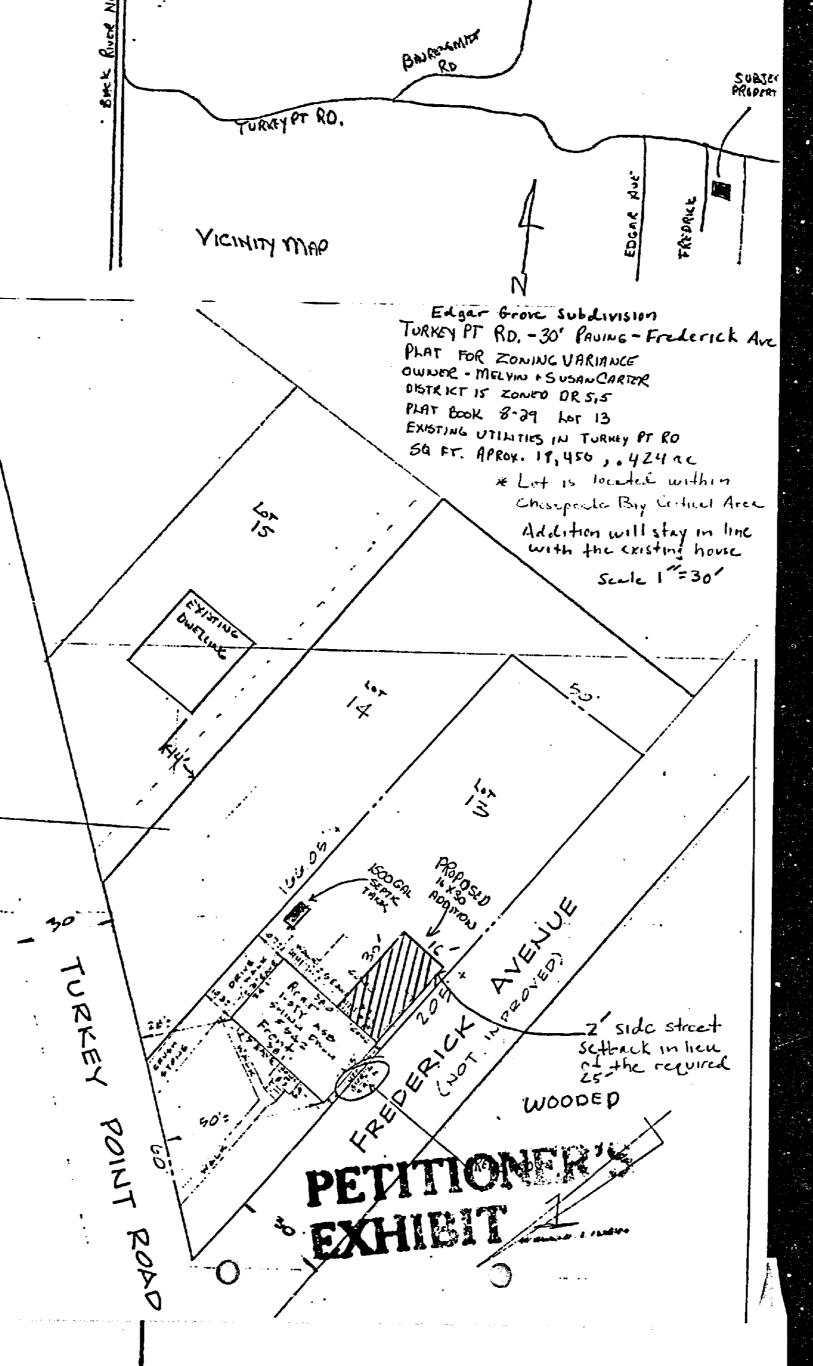
Planning Group

Special Inspection Division

NOTED &

APPROVED:

Fire Prevention Bureau



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE October 10, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS

Department of

Traffic Engineering

State Roads Commission

Bureau of

Engineering

Bureau of

Îndustrial

Development

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Mr. & Mrs. Melvin L. Carter 2115 Turkey Point Road Baltimore, Maryland 21221

> RE: Item No. 43 - Case No. 89-143-A Petitioner: Melvin L. Carter, et ux Petition for Zoning Warriance

Dear Mr. & Mrs. Carter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Janus & Dys/ldt JAMES E. DYER Zoning Plans Advisory Committee

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines Mr. & Mrs. Melvin Leroy Carter 2115 Turkey Point Road

Baltimore, Maryland 21221

Dennis F. Rasmussen

Petition for Zoning Variance CASE NUMBER: 89-143-A S/S Turkey Point Road, 15' E c/1 Frederick Avenue (2115 Turkey Point Road) 15th Election District - 5th Councilmanic Petitioner(s): Melvin Leroy Carter, et ux

HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 9:00 a.m. Dear Mr. & Mrs. Carter:

Please be advised that 12.91 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building Room 111. Towson, Maryland 21204 fifteen (15) minutes before

	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT No. 059032	post set(s), there each set not
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BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner Office of Planning and Zoning

County Office Building Towson, Maryland 21204 Zoning Item # 43, Zoning Advisory Committee Meeting of August 23, 1988

Property Owner: Melvin Leroy Carter et ux

Location: 55 Turkey Point Rd. (2115 Turkey Point Rd.) District 15

Water Supply metro Sewage Disposal private

COMMENTS ARE AS FOLLOWS: () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review

) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other

equipment or process which exhausts into the atmosphere.) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service

area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review

and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.) Prior to approval for a nursery school, owner or applicant must comply with all Ealtimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled.

Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768. Water and Sewer to determine whether additional tests are required.

) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled. () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

) shall be valid until
) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. () If submission of plans to the County Review Group is required, a Hydrogeological Study and an

Others Prior to approval by this Dept. of building permit for proposed addition, soil evaluations and evaluation of existing sewage disposal system on proporty may be required.

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT